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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA  
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6 FREDRICK J. BENSON,  
7 Petitioner,  
8 v.  
9 JAMES DZURENDA, et al.,  
10 Respondents.  
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Case No. 2:19-cv-01063-RFB-NJK

**ORDER**

12 On November 25, 2019, the Court directed Petitioner to show cause why the Court should  
13 not dismiss this action as an unauthorized second or successive Habeas Corpus Petition. ECF No.  
14 6. Petitioner has filed a Motion for Extension of Time. ECF No. 8. Petitioner asks for additional  
15 time to apply for authorization to file a second or successive petition. Id. at 1; see also 28 U.S.C.  
16 § 2244(b)(3). Because Petitioner has not yet obtained authorization, the Court cannot keep this  
17 action open. However, because Petitioner has stated that he wants to apply for authorization, the  
18 Court will refer this action to the Court of Appeals.

19 IT THEREFORE IS ORDERED that the Motion for Extension of Time (ECF No. 8) is  
20 **DENIED** as moot.

21 IT FURTHER IS ORDERED that, pursuant to Circuit Rule 22-3(a), the Clerk of Court shall  
22 refer this action to the United States Court of Appeals for the Ninth Circuit.

23 IT FURTHER IS ORDERED that the Clerk of Court shall administratively close this action.

24 DATED: December 12, 2019.

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27 RICHARD E. BOULWARE, II  
28 United States District Judge